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May 12, 1988

MEMORANDUM TO COMMITTEE OF COUNSEL

As requested at our meeting yesterday, I am enclosing a copy of the memorandum submitted to the Food and Drug Administration by Senator Dee Huddleston in 1977 in opposition to the petition filed by ASH asking FDA to regulate cigarettes as drugs under the Food, Drug, and Cosmetic Act. FDA rejected the petition, and FDA's decision was affirmed in Action on Smoking and Health v. Harris, 655 F.2d 236 (D.C. Cir. 1980).

Stanley L. Temko

amsh
Enclosure
cc: Mr. Samuel D. Chilcote, Jr.
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